

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
BRYAN ABREU, :

Plaintiff, :

-against- :

THE CITY OF NEW YORK, NEW YORK :
CITY POLICE DEPARTMENT, DERMOT :
SHEA, individually and as New York City :
Police Commissioner, John Doe 1, individually :
and as a police officer, John Doe 2, individually :
and as a police officer, :

Defendants. :

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23-CV-3814 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On May 6, 2023, Plaintiff filed this action against Defendants. (Doc. 1.) Plaintiff has not obtained summonses or filed affidavits of service. Accordingly, it is hereby:

ORDERED that, no later than August 17, 2023, Plaintiff shall submit a letter of no more than three pages, supported by legal authority, demonstrating good cause as to why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). “Good cause is generally found only in exceptional circumstances where the plaintiff’s failure to serve process in a timely manner was the result of circumstances beyond its control.” *E. Refractories Co. v. Forty Eight Insulations, Inc.*, 187 F.R.D. 503, 505 (S.D.N.Y. 1999) (internal quotation marks omitted). “District courts consider the diligence of plaintiff’s efforts to effect proper service and any prejudice suffered by the defendant as a consequence of the delay.” *Id.* (internal quotation marks omitted). “An attorney’s inadvertence, neglect, mistake or misplaced reliance does not constitute good cause.” *Howard v. Klynveld Peat Marwick Goerdeler*, 977 F.Supp. 654, 658 (S.D.N.Y.1997) (citing *McGregor v. United States*, 933 F.2d 156, 160 (2d Cir.1991), *aff’d*, 173

F.3d 844 (2d Cir.1999)). Plaintiff is warned that failure to submit a letter and to demonstrate good cause for failure to serve Defendants within ninety days after the complaint was filed will result in dismissal of this action.

SO ORDERED.

Dated: August 11, 2023
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and "n". The last name "Broderick" is written with a large "B" and "r". The signature is positioned above a horizontal line.

VERNON S. BRODERICK
United States District Judge